IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22966 of 2004

Between:

MR. PRAMOD HARJANI, S/o. Late Kanhayalal Harjani,
R/o. 5-9-22/57, Roop Villa Adarsh Nagar, Hyderabad 500 023.

... PETITIONER

AND

1 The Commissioner of Police Basheerbagh, Hyderabad.
2 The Station House Officer, Police Station, Saifabad,
Lakdi-ka-pul, Hyderabad.
3 Mr. A. Jaipal Reddy, Road No.64, Plot No. 1280, Jubilee Hills,
Hyderabad - 500 033.
4 Mr. A. Raghava Reddy, Plot No. 449/D, H.No. 538,
Road No.19, Jubilee Hills, Hyderabad - 500 033.
5 Mr. Harmohan Singh Chandok, 396/12, D.P. Nagar,

Santa Cruz, Mumbai.
6 Mr. Amarjit Singh Chandok, 396/12, D.P. Nagar, Santa Cruz,
Mumbai.
7 Mr. J. Madan Mohan Rao, 6-3-865/D/21, Madhupala Towers
Opp: Green Park HOtel Ameerpet Road, Hyderabad.
8 Radico Khaitan Limited, Rep. by its chairman & Managing

Director, Mr. Lalit Khaitan, S/o. Not Known aged major,

Plot No. J-1, Block B-1, Mohan Co-operative Industrial Area,
Mathura Raod, New Delhi 110044.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction, in the nature of Mandamus, declaring the action of the 2nd respondent in delaying the investigation into the Crime registered in F.I.r.No.651/2004 dated 26-08-2004 as arbitrary and illegal and further direct the 1st respondent herein to transfer the investigation into Crime registered with the SHO, Police Station, Saifabad, Lakadi-ka-pul, Hyderabad to the D.C.P. Detective Department, Central lCrime Station, Control Room, Basheer Bagh, Hyderabad.

Counsel for the Petitioner:MR.JAVED RAZACK
Counsel for the Respondent Nos.1 & 2: GP FOR HOME

The Court at the admission stage made the following :

O R D E R:

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The petitioner claims to have submitted a complaint under Section 200 of Cr.P.C. before the Court of XV Metropolitan Magistrate, Hyderabad. It is stated that on receiving the complaint, the learned Magistrate has referred the matter for investigation to the second respondent under sub-section (3) of Section 156 of Cr.P.C., and that the second respondent in turn had registered Crime No.651/2004. He complains that though several months have elapsed, the second respondent has not taken any steps in the matter, much less has submitted a report to the concerned Court.

Heard learned counsel for the petitioner and learned Government Pleader for Home.

The petitioner has availed the remedy under Section 200 of Cr.P.C., and filed a complaint before the learned Magistrate. Whenever a complaint is received by the Magistrate under Section 200 of Cr.P.C., three courses are open to him, namely, a) to take cognizance of the offence, if he is satisfied after recording the sworn statement, b) to order investigation of the matter by a police official, or any other person authorized by him in this regard, or c) to enquire in to the matter by himself. In the present case, the learned Magistrate has chosen to refer the matter for investigation by the second respondent, under sub-section (3) of Section 156 of Cr.P.C.

Once the investigation is required to be undertaken in pursuance of an order passed by the Magistrate, it is not as if the Court loses control over the matter. If there is any lapse or laxity in the investigation, it can certainly be brought to the notice of the Magistrate. In the event of the Magistrate being satisfied that there was undue delay or lapse on the part of the investigating agency, he can pass appropriate orders in this regard, or even may choose to change the investigating agency. In that view of the matter, this Court is not at all inclined to entertain the writ petition.

Hence, the writ petition is disposed of, leaving it open to the petitioner to approach the leaned Magistrate, before whom the complaint was made, and seek appropriate direction in this regard. There shall be no order as to costs.

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10th December, 2004

Note: Issue copy in three days.

(B/o)

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To

1 The Commissioner of Police Basheerbagh, Hyderabad.
2 The Station House Officer, Police Station, Saifabad,
Lakdi-ka-pul, Hyderabad.
3 Two C.Cs to the Government Pleader for Home,

High Court Buildings, Hyderabad (OUT).

5 Two C.D. copies.